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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Note by the Secretary-General

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 30 June 1993 and 15 June 1994 in fields with which the Sub-Commission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the forty-sixth session of the Sub-Commission (E/CN.4/Sub.2/1994/1/Add.1.

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 June 1994, 129 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights. As at the same date, 127 States had ratified or acceded to the International Covenant on Civil and Political Rights and 76 States had ratified or acceded to the Optional Protocol to the Covenant. Additionally, 44 States had made the declaration envisaged under article 41, paragraph 1, of the Covenant, which came into force on 28 March 1979.

3. The Second Optional Protocol aiming at the abolition of the death penalty, which was adopted and opened for signature, ratification or accession by the General Assembly in resolution 44/128 of 15 December 1989, entered into force on 11 July 1991 in accordance with the provisions of its article 8. As at 1 June 1994, there were 22 States parties to the Second Optional Protocol.

Committee on Economic, Social and Cultural Rights

4. At its ninth and tenth sessions, held from 22 November to 10 December 1993 and from 2 to 20 May 1994 respectively, the Committee considered 12 reports submitted to it under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. At its tenth session, the Committee also reviewed the implementation of the Covenant in relation to two States parties - Mauritius and the Gambia - which had failed to report for more than 15 years. In accordance with decisions taken at its ninth session, the Committee also considered information provided by the Governments of the Dominican Republic, Panama and the Philippines with respect to the right to housing and decided to continue to monitor the situation in those countries at its next sessions.

5. During the ninth session, the Committee held a general discussion on the right to health with particular emphasis, in that context, on the implications of the principle of non-discrimination and of the concept that there is a minimum core content of each right which constitutes a "floor" below which conditions should not be permitted to fall in any State party. The general discussion held by the Committee at its tenth session was devoted to the role of social safety nets as a means of protecting economic, social and cultural rights, with particular reference to situations involving major structural adjustment and/or the transition to a free market economy. The Committee decided to devote its next day of general discussion, to be held on 5 December 1994, to "Human rights education and public information activities relating to the International Covenant on Economic, Social and Cultural Rights".

6. The report on the Committee's ninth session, contained in document E/1994/23, has been submitted to the Economic and Social Council for its substantive session for 1994. At the time of writing, extracts of the report on its tenth session were being prepared for submission to the Council.

Human Rights Committee

7. During its forty-eighth, forty-ninth and fiftieth sessions held in July, October/November 1993 and March/April 1994, respectively, the Committee considered three initial reports, five second periodic reports and six third periodic reports submitted to it under article 40 of the International Covenant on Civil and Political Rights. On 29 October 1993 it adopted decisions requesting the Governments of Angola and Burundi to submit urgent reports on events affecting human rights protected under the Covenant. In April 1994 it also adopted its General Comment No. 23 (50) relating to the rights of persons belonging to minorities under article 27 of the Covenant.

8. During the three sessions, the Committee also adopted 21 Views under article 5, paragraph 4, of the Optional Protocol to the Covenant, and took 25 decisions declaring communications inadmissible under the Optional Protocol.

9. A report on the Committee's forty-sixth to forty-eighth sessions was submitted to the General Assembly at its forty-eighth session (A/48/40) and a report on its forty-ninth to fifty-first sessions will be submitted to the General Assembly following the Committee's fifty-first session in July 1994 (A/49/40).

Commission on Human Rights

10. The Commission at its fiftieth session, adopted resolution 1994/15 of 25 February 1994 concerning the status of the International Covenants on Human Rights. In that resolution, the Commission, inter alia, invited the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify or accede thereto; it recommended that States parties periodically review any reservations made in respect of the provisions of the Covenants with a view to withdrawing them; it urged States parties to take duly into account, in implementing the provisions of the Covenant, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee; and it requested the Secretary-General to consider ways and means of assisting States parties in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

11. At 1 June 1994, 139 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination.

Committee on the Elimination of Racial Discrimination

12. During its forty-third and forty-fourth sessions, held in August 1993 and March 1994 respectively, the Committee considered reports submitted by 15 States parties to the Convention. Additionally, the Committee reviewed the application of the Convention in four States parties whose reports were long overdue. At each of the two sessions, the Committee also considered communications submitted under article 14 of the Convention and discussed the programme of action for the Third Decade to Combat Racism and Racial Discrimination. The Committee also discussed possible cooperation with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance.

13. At its forty-third session, the Committee reviewed the situation in four States which had been scheduled for consideration by special decisions of the Committee, in line with preventive procedures it had recently applied concerning early warning and urgent response. Those States were Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) and Papua New Guinea. In the cases of Bosnia and Herzegovina and Croatia, the Committee offered to send one or more of its members to those States in the form of a technical assistance mission. In the case of the Federal Republic of Yugoslavia (Serbia and Monenegro), the Committee offered

its good offices in the form of a mission, the purpose of which would be to help promote a dialogue for the peaceful solution of issues concerning respect for human rights in Kosovo, in particular the elimination of all forms of racial discrimination. In regard to Papua New Guinea, the Committee expressed its willingness to accept any invitation which may be extended by Papua New Guinea to provide technical assistance with a view to re-establishing a dialogue between the Government and rebel forces in Bougainville.

14. At its forty-fourth session, the Committee considered the serious situation arising from ethnic conflict in two States, Burundi and Rwanda. In that connection, the Committee adopted its General Recommendation XVIII (44) on the establishment of an international tribunal to prosecute crimes against humanity. In that recommendation, the Committee considered it urgent to establish an international tribunal with general jurisdiction to prosecute genocide and other crimes against humanity and urged the Secretary-General to bring the recommendation to the attention of the competent bodies of the United Nations, including the Security Council.

15. Under article 14 of the Convention, the Committee adopted an opinion on the communication (M.N. v. Norway) which concerned the question of possible disqualification of any juror who makes a remark indicative of racial prejudice. The Committee also considered, in private session, follow-up to the good-offices mission to Yugoslavia (Serbia and Montenegro) which had taken place subsequent to its forty-third session. A technical assistance mission to Croatia, which involved the participation of one of the Committee's members, was scheduled to take place shortly after the session.

16. The General Assembly, at its forty-eighth session, adopted resolution 48/90 of 20 December 1993 concerning the report of the Committee. The Assembly, inter alia, welcomed the innovatory procedures adopted by the Committee for reviewing the implementation of the Convention in States whose reports are overdue and for formulating concluding observations on State party reports; and encouraged the Committee to continue to exert its efforts to enhance its contributions in the area of prevention of racial discrimination, including early warning and urgent procedures.

III. INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

17. At 1 June 1994, there were 99 States parties to the Convention.

18. The General Assembly, at its forty-eighth session, in resolution 48/89 of 20 December 1993, inter alia, appealed once again to those States that had not yet done so to ratify or to accede to the Convention without further delay; it appealed once again to all States, United Nations organs, the specialized agencies and international and national and non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes of apartheid; and it requested the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification or accession to the Convention.

IV. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

19. At 1 June 1994, the Convention had been ratified or acceded to by 82 States. In addition, 15 States had signed the Convention.

Committee against Torture

20. At its eleventh and twelfth sessions, held from 8 to 19 November 1993 and 18 to 28 April 1994, respectively, the Committee considered 10 reports submitted to it under article 19 of the Convention and continued in closed meetings its activities under articles 20 (inquiries) and 22 (individual communications) of the Convention. A report on the Committee's eleventh and twelfth sessions has been submitted to the General Assembly for its forty-ninth session (A/49/44). An account of the results of the proceedings relating to the inquiry on Turkey adopted by the Committee at its eleventh session appears in document A/48/44/Add.1.

Commission on Human Rights

21. The Commission, at its fiftieth session, adopted resolution 1994/38 of 4 March 1994, concerning the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this resolution, the Commission, inter alia, encouraged the States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible; welcomed the attention that the Committee against Torture had given to the development of an effective system of reporting on the implementation of the Convention by States parties, including its practice of formulating concluding observations after the consideration of such reports, as well as its practice of carrying out inquiries into cases of well-founded allegations of the systematic practice of torture in States parties; urged all States to become parties to the Convention as a matter of priority and invited all States ratifying or acceding to the Convention and those States parties that had not yet done so to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20. The Commission further requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture.

V. CONVENTION ON THE RIGHTS OF THE CHILD

22. At 1 June 1994, the Convention on the Rights of the Child had been ratified or acceded to by 159 States. In addition, 12 States had signed the Convention.

Committee on the Rights of the Child

23. At its fourth session, held from 20 September to 8 October 1993, the Committee considered six initial reports submitted to it under article 44 of the Convention. In order to be able to deal with its heavy workload the Committee decided to convene a special session in 1994, preceded by a

pre-sessional working group. The Committee also discussed the question of its cooperation with other United Nations organs and treaty bodies. It decided to follow closely developments related to the International Year of the Family, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women. It further pursued the consideration of an urgent action procedure and established a working group to follow up on this issue. It also held a day of general discussion on 4 October on the economic exploitation of children. It decided to issue a public statement on the outcome of the discussion, and to establish a working group to prepare a set of recommendations on the issue.

24. At its fifth session, held from 10 to 28 January 1994, the Committee considered five initial reports by States parties. The Committee continued to discuss the organization of its work in view of its increasingly heavy workload and requested the convening of a Meeting of the States Parties to the Convention with a view to determining that the number of annual sessions and corresponding pre-sessional working groups of the Committee should be increased to three as from 1995. The Committee considered issues relating to its cooperation with other United Nations bodies and treaty bodies, and adopted recommendations as a follow-up to its general discussion on the economic exploitation of children. The Committee also adopted its biennial report to the General Assembly (A/49/41).

25. At its sixth (special) session, held from 5 to 22 April 1994 following a request made by the Committee at its fourth session in view of the high number of initial reports awaiting consideration, the Committee considered reports submitted by six States parties to the Convention. In addition, the Committee reviewed its cooperation with United Nations bodies and considered the problem of the plight of children in the territory of the former Yugoslavia.

General Assembly

26. At its forty-eighth session, the General Assembly adopted resolution 48/157 of 20 December 1993 concerning the protection of children affected by armed conflicts. In that resolution, the General Assembly, inter alia, took note with appreciation of the report of the Committee on the Rights of the Child on its third session and the recommendations contained therein concerning the situation of children affected by armed conflict; requested the Secretary-General to appoint an expert, working in collaboration with the Centre for Human Rights and the United Nations Children's Fund, to undertake a comprehensive study of this question and to make specific recommendations on ways and means to prevent children from being affected by armed conflicts and to improve the protection of children in armed conflicts and on measures to ensure effective protection of these children and to promote their physical and psychological recovery and social reintegration, taking into account the recommendations of the World Conference on Human Rights and the Committee on the Rights of the Child.

Commission on Human Rights

27. The Commission, at its fiftieth session, adopted resolution 1994/91 of 9 March 1994, entitled "Implementation of the Convention on the Rights of the Child". In that resolution, the Commission, inter alia, welcomed the

constructive and useful results achieved by the Committee during its first five sessions; welcomed the consideration by the Committee of the reservations and declarations entered by States parties to the Convention when examining the reports of States parties; decided to establish an open-ended inter-sessional working group of the Commission to elaborate, as a matter of priority, a draft optional protocol to the Convention, using as a basis for discussion the preliminary draft optional protocol submitted by the Committee; noted the concern voiced by the Committee about the economic exploitation of children and took note with interest of the set of recommendations adopted by the Committee on this issue; expressed concern at the increasingly heavy workload of the Committee; welcomed General Assembly resolution 48/157 concerning the comprehensive study on the protection of children in armed conflicts; and requested the Secretary-General to submit a report on the implementation of the Convention to the Commission at its fifty-first session.

VI. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

28. The General Assembly, at its forty-eighth session, adopted resolution 48/120 of 20 December 1993, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights". In that resolution the General Assembly, inter alia, requested the Secretary-General to give high priority to establishing a computerized database; noted with satisfaction the interim report of the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system; urged State parties to notify the Secretary-General of their acceptance of the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and requested the Secretary-General to continue to take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force.

29. The Commission on Human Rights, at its fiftieth session, adopted resolution 1994/19 of 25 February 1994, entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments". In this resolution, the Commission, inter alia, urged States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for funding of the respective Committees from the regular budget; endorsed the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies; urged the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting Member States, in particular States that are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system; urged the treaty bodies to examine ways of reducing the duplication of reporting required under the

different instruments and of generally reducing the reporting burden on Member States; urged all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports; recommended that the reporting guidelines adopted by the treaty bodies be amended to identify gender-specific information to be addressed by States parties in their reports; and invited the persons chairing the human rights treaty bodies at their next meeting to consider means of ensuring information exchange and cooperation among the treaty bodies regarding their practice relating to the human rights of women.

VII. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

30. The Convention, which was adopted by the General Assembly in 1990, will enter into force when at least 20 States have ratified it. As at 1 June 1994, two States (Egypt and Morocco) had ratified or acceded to the Convention and three States (Chile, Mexico and Philippines) had signed it.

31. The General Assembly, at its forty-eighth session, adopted resolution 48/148 of 20 December 1994 in which it, inter alia, called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; and invited the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention.

32. A similar resolution (1994/17 of 25 February 1994) was adopted by the Commission on Human Rights at its fiftieth session.